IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 12049 of 2005

Between:

1 S.D. Syed Khajawali, S/o Khadir Saheb,
APSRTC - E - 503848, Kanigiri Depot, Prakasam District.
2 S.K. Shaik Khadar Mohiddin, S/o. Ibrahim,
E-503843, Kandigiri Depot, Prakasam District.
3 Syed Khadar Basha, S/o. Rantu Saheb,
Kandigiri Depot, Prakasam District.
4 Shaik Hussain Basha, S/o. Rantu Saheb,
APSRTC, Kanigiri Depot, Prakasam District.
5 Shaik Jani Saheb, S/o. Devadanam,
E-503560, APSRTC, Kanigiri Depot,
Prakasam District.
6 Y. Prabhakar Rao, S/o. Devadanam,
E-501777, APSRTC, Kanigiri Depot,
Prakasam District.
7 Shaik Mastan, S/o. Mohammed,
501216, APSRTC, Kanigiri Depot,
Prakasam District.
8 V. Elaiah, S/o. Shikamani,
501195, APSRTC, Giddaluru Depot, APSRTC,
Prakasam District.
9 D. Nagaraju, S/o.
APSRTC Kanigiri Depot, Prakasam District.

..... PETITIONERS

AND

1 The APSRTC, Rep by its Managing Director, RTC X Road, Hyderabad.
2 The Regional Manager, APSRTC, Ongole, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in not regularizing the services of the petitioners from the dates of their initial appointments, as arbitrary, illegal, discriminatory and violative of Articles 14 and 21 of the constitution of India by directing the respondents to regularize the services of the petitioners from the dates of their initial appointments with all consequential benefits and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case

Counsel for the Petitioner : MR.B.KRISHNA MOHAN

Counsel for the Respondents : MR.R.MANMADHA REDDY

(SC FOR APSRTC)

The Court made the following :

O R D E R:

This Writ Petition is filed by the petitioners, who are working as Drivers and Conductors, seeking writ of mandamus declaring the action of the respondents in not regularising their services from the dates of their initial appointment as illegal, arbitrary and discriminatory and violative of the Articles of the Constitution of India, and consequently to direct the respondents to regularise the services of the petitioners from the dates of their initial appointments with all consequential benefits.

2. It is stated that except the 3rd petitioner all other petitioners were appointed initially on 01.11.1986, but, however, their services were regularised from 01.08.1987; while the 3rd petitioner was appointed on 07.06.1985 and his services were regularised from 01.08.1986. The grievance of the petitioners is that though the services of the similarly placed persons were regularised from the date of their initial appointment, the petitioners were denied the said benefit. Hence, the Writ Petition.

3. At the time of hearing, the learned counsel for the petitioners relied upon the judgment of the Apex Court in ***Divisional Manager, APSRTC and Others v. P. Lakshmoji Rao*** where the Apex Court had an occasion to consider the similar issue

and after considering various contentions elaborately, finally granted the relief in the following terms:

> "In view of this peculiar situation and in order to avoid the anomalies that might otherwise ensue, while we hold that the respondent-employees have failed to establish their legal right to get the status of regular employees right from the date of their initial appointment on daily wage basis and the respective dates of regularization assigned to the respondents cannot be legally faulted, we are inclined to mould the relief in modification of the directions given in the Judgments under appeal and direct as follows:
>
> If any of the Conductors, junior to the respondents in the relevant seniority list of the concerned Division/Region, have got the benefit of seniority and regularization OR are entitled to get the same by virtue of the Judgments that have become final, then the respondents who are seniors to them, shall be given the same benefit on the same principle."

In the light of the said law laid down by the Apex Court, the petitioners also seek similar benefit.

4. Heard both sides and considered the material on record.

5. As the issue has already been considered and decided by the Apex Court, as extracted above, the petitioners are also entitled for the same benefit. Accordingly, the Corporation is directed to pass appropriate orders in the light of the above directions of the Apex Court fixing up their date of regularization from the date than the date of the regularization, if any of their juniors had been regularised from the date earlier to the date of the petitioners' regularisation. The said exercise is directed to be completed within a period of eight weeks from the date of receipt of a copy of this order.

6. Accordingly, the Writ Petition is disposed of. No costs.

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S. Ananda Reddy, J.

Dt. 29..06..2005

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To

1 The Managing Director, APSRTC, RTC X Road, Hyderabad.
2 The Regional Manager, APSRTC, Ongole, Prakasam District.

3. 2 C.D. copies.